

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Brenda Martin,)	
)	
Plaintiff,)	Civil Action No. 6:19-3413-RMG
)	
vs.)	
)	
Andrew Saul, Commissioner of Social Security,)	
)	ORDER
)	
Defendant.)	
)	
)	
)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff’s application for Disability Insurance Benefits (“DIB”). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (“R & R”) on November 23, 2020, recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge (“ALJ”) failed to sufficiently explain how the statements of Plaintiff to her physician and the physician’s opinion that she required restroom breaks hourly did not support Plaintiff’s position that she needed breaks beyond the normal breaks every two hours. (Dkt. No. 25 at 9-16). The Commissioner has advised the Court that he does not intend to file objections to the R & R. (Dkt. No. 26).

The Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this

order.

AND IT IS SO ORDERED.

S/ Richard Mark Gergel
United States District Judge

Charleston, South Carolina
December 2, 2020